

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02202-RDM**

PROTECT DEMOCRACY PROJECT, INC. v. DEPARTMENT
OF HOMELAND SECURITY et al
Assigned to: Judge Randolph D. Moss
Case: 1:17-cv-02118-RDM
Cause: 05:552 Freedom of Information Act

Date Filed: 10/24/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**PROTECT DEMOCRACY PROJECT,
INC.**

represented by **Jennifer H. Saperstein**
COVINGTON & BURLING LLP
850 Tenth Street N.W.
One City Center
Washington, DC 20001
(202) 662-5682
Email: jsaperstein@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nikhil Vikas Gore
COVINGTON & BURLING LLP
850 Tenth Street N.W.
One City Center
Washington, DC 20001
(202) 662-5918
Email: ngore@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David J. Iraola
COVINGTON & BURLING LLP
850 Tenth Street, NW
One City Center
Washington, DC 20001
(202) 662-5904
Email: DIraola@cov.com
ATTORNEY TO BE NOTICED

Kevin Travers Barnett
COVINGTON & BURLING LLP
850 Tenth Street N.W.
One City Center
Washington, DC 20001
(202) 662-5430
Fax: (202) 662-6291
Email: kbarnett@cov.com
TERMINATED: 01/02/2018

V.

Defendant

**DEPARTMENT OF HOMELAND
SECURITY**

represented by **Scott Leeson Sroka**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7113
Fax: (202) 252-2599
Email: scott.sroka@usdoj.gov

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**CUSTOMS AND BORDER
PROTECTION**

represented by **Scott Leeson Sroka**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
10/24/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5173166) filed by PROTECT DEMOCRACY PROJECT, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Related Case Notice, # <u>5</u> Summons Attorney General, # <u>6</u> Summons US Attorney DC, # <u>7</u> Summons Customs and Border Protection, # <u>8</u> Summons Dept of Homeland Security)(Barnett, Kevin) (Attachment 1 replaced on 10/25/2017) (zsth). (Entered: 10/24/2017)
10/24/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PROTECT DEMOCRACY PROJECT, INC. (Barnett, Kevin) (Entered: 10/24/2017)
10/24/2017		Case Assigned to Judge Randolph D. Moss. (sth) (Entered: 10/25/2017)
10/24/2017	<u>3</u>	NOTICE OF RELATED CASE by PROTECT DEMOCRACY PROJECT, INC.. Case related to Case No. 17cv2118. (sth) (Entered: 10/25/2017)
10/25/2017	<u>4</u>	SUMMONS (4) Issued Electronically as to CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(sth) (Entered: 10/25/2017)
10/25/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/25/2017. Answer due for ALL FEDERAL DEFENDANTS by 11/24/2017. (Barnett, Kevin) (Entered: 10/25/2017)
10/27/2017	<u>6</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the Court's Standing Order. Signed by Judge Randolph D. Moss on 10/27/2017. (lcrdm1,) (Entered: 10/27/2017)
10/30/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CUSTOMS AND BORDER PROTECTION served on 10/30/2017; DEPARTMENT OF HOMELAND SECURITY served on 10/30/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/30/2017. (Barnett, Kevin) (Entered: 10/30/2017)
11/08/2017	<u>8</u>	NOTICE of Appearance by Nikhil Vikas Gore on behalf of PROTECT DEMOCRACY PROJECT, INC. (Gore, Nikhil) (Entered: 11/08/2017)
11/20/2017	<u>9</u>	NOTICE of Appearance by Scott Leeson Sroka on behalf of All Defendants (Sroka, Scott) (Entered: 11/20/2017)
11/22/2017	<u>10</u>	Consent MOTION for Extension of Time to File Answer by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY (Sroka, Scott) (Entered: 11/22/2017)
11/27/2017		MINUTE ORDER: Upon consideration of Defendants' Motion for Extension of Time <u>10</u> , the motion is hereby GRANTED. Defendants shall respond to the Complaint on or before December 15, 2017. Signed by Judge Randolph D. Moss on 11/27/17. (lcrdm3,) (Entered: 11/27/2017)
11/27/2017		Set/Reset Deadlines: Defendants shall respond to the Complaint on or before 12/15/2017. (kt) (Entered: 11/27/2017)

12/15/2017	<u>11</u>	ANSWER to Complaint by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY.(Sroka, Scott) (Entered: 12/15/2017)
12/15/2017		MINUTE ORDER: The parties are hereby ORDERED to appear for a status conference on January 19, 2018, at 10:15 a.m. in Courtroom 21. The parties are further ORDERED to meet and confer prior to the status conference to discuss scheduling for further proceedings. Signed by Judge Randolph D. Moss on 12/15/17. (lcrdm3,) Modified on 12/18/2017 to correct date (kt). (Entered: 12/15/2017)
12/18/2017		Set/Reset Hearings: Status Conference set for 1/19/2018, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 12/18/2017)
12/22/2017		MINUTE ORDER: The status conference currently set for January 19, 2018, is hereby VACATED and RESCHEDULED for January 4, 2018, at 10:25 a.m. Signed by Judge Randolph D. Moss on 12/22/17. (lcrdm3,) (Entered: 12/22/2017)
12/22/2017		Set/Reset Hearings: The Status Conference set for 1/19/2018 is VACATED and RESCHEDULED to 1/4/2018, at 10:25 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 12/22/2017)
01/02/2018	<u>12</u>	NOTICE of Appearance by Jennifer H. Saperstein on behalf of PROTECT DEMOCRACY PROJECT, INC. (Saperstein, Jennifer) (Entered: 01/02/2018)
01/02/2018	<u>13</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to PROTECT DEMOCRACY PROJECT, INC.. Attorney Kevin Travers Barnett terminated. (Barnett, Kevin) (Entered: 01/02/2018)
01/04/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 1/4/2018. Joint Status Report due by 3/3/2018. A further Status Conference is set for 3/13/2018, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.) (kt) (Entered: 01/04/2018)
03/02/2018	<u>14</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 03/02/2018)
03/12/2018	<u>15</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 03/12/2018)
03/13/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 3/13/2018. Defendants shall provide Plaintiffs and the Court with a production schedule by 4/13/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 03/13/2018)
03/14/2018		MINUTE ORDER: It is hereby ORDERED that the parties shall submit a joint status report on or before April 27, 2018, identifying the issues remaining in this litigation and proposing a schedule for further proceedings. Signed by Judge Randolph D. Moss on 3/14/18. (lcrdm3,) (Entered: 03/14/2018)
03/14/2018		Set/Reset Deadlines: Joint Status Report due by 4/27/2018. (kt) (Entered: 03/14/2018)
04/13/2018	<u>16</u>	STATUS REPORT <i>and Proposed Production Schedule</i> by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY. (Sroka, Scott) (Entered: 04/13/2018)
04/27/2018	<u>17</u>	Joint MOTION for Extension of Time to <i>File Joint Status Report</i> by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY (Sroka, Scott) (Entered: 04/27/2018)
04/27/2018		MINUTE ORDER: Upon consideration of the Joint Motion for Extension of Time <u>17</u> , it is hereby ORDERED that the motion is GRANTED. The parties shall file a joint status report on or before May 4, 2018. Signed by Judge Randolph D. Moss on 4/27/18. (lcrdm3,) (Entered: 04/27/2018)
04/27/2018		Set/Reset Deadlines: Joint Status Report due by 5/4/2018. (dot) (Entered: 04/30/2018)
05/04/2018	<u>18</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 05/04/2018)
05/07/2018		MINUTE ORDER: In light of the parties' Joint Status Report <u>18</u> , it is hereby ORDERED that the parties shall appear for a status conference on May 14, 2018, at 2:00 p.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 5/7/18. (lcrdm3,)

		(Entered: 05/07/2018)
05/07/2018		Set/Reset Hearings: Status Conference set for 5/14/2018, at 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 05/07/2018)
05/14/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 5/14/2018. Document productions shall proceed as ordered on the record. A further Status Conference is set for 7/6/2018, at 12:30 PM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.) (kt) (Entered: 05/14/2018)
07/05/2018	<u>19</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 07/05/2018)
07/06/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 7/6/2018. The parties shall meet and confer regarding the scope and timing of the search. Joint Status Report due by 8/17/2018. A further Status Conference is set for 9/5/2018, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.) (kt) (Entered: 07/06/2018)
08/17/2018	<u>20</u>	Unopposed MOTION for Extension of Time to <i>File Status Report</i> by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Sroka, Scott) (Entered: 08/17/2018)
08/17/2018	<u>21</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 08/17/2018)
08/17/2018		MINUTE ORDER: In light of Defendants' Unopposed Motion for Extension of Time to File Status Report <u>20</u> , it is ORDERED that the motion is hereby GRANTED. The parties shall file their joint status report on or before August 24, 2018. Signed by Judge Randolph D. Moss on 8/17/2018. (lcrdm3,) (Entered: 08/17/2018)
08/17/2018		Set/Reset Deadlines: Joint Status Report due by 8/24/2018. (dot) (Entered: 08/20/2018)
08/24/2018	<u>22</u>	STATUS REPORT by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY. (Sroka, Scott) (Entered: 08/24/2018)
08/24/2018	<u>23</u>	Supplemental STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 08/24/2018)
08/27/2018		MINUTE ORDER: Upon consideration of the parties' joint status report <u>22</u> , it is hereby ORDERED that the Department of Homeland Security ("DHS") shall file a declaration on or before August 31, 2018, explaining why it cannot review and release responsive, non-exempt records at the rate proposed by Plaintiff. Signed by Judge Randolph D. Moss on 8/27/2018. (lcrdm3,) (Entered: 08/27/2018)
08/27/2018		Set/Reset Deadlines: Department of Homeland Security ("DHS") shall file a declaration on or before 8/31/2018. (kt) (Entered: 08/27/2018)
08/30/2018	<u>24</u>	RESPONSE TO ORDER OF THE COURT re Order, <i>Notice of Filing</i> filed by DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Declaration of James V.M.L. Holzer)(Sroka, Scott) (Entered: 08/30/2018)
09/05/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 9/5/2018. Order forthcoming. (Court Reporter Jeff Hook.) (dot) (Entered: 09/06/2018)
09/10/2018		MINUTE ORDER: In light of the status conference held on September 5, 2018, it is hereby ORDERED that Customs and Border Protection ("CPB") shall promptly conduct a new search narrowing the universe of documents to only those relating to the Arizona sector from October 2016 to present. It is further ORDERED that the Department of Homeland Security ("DHS") shall process records at a minimum rate of 350 pages per month. It is further ORDERED that the parties' shall file a joint status report on or before October 5, 2018, alerting the Court to CPB's and DHS's progress. Signed by Judge Randolph D. Moss on 9/10/2018. (lcrdm3,) (Entered: 09/10/2018)
09/10/2018		Set/Reset Deadlines: Joint Status Report due by 10/5/2018. (kt) (Entered: 09/10/2018)

10/05/2018	<u>25</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 10/05/2018)
10/05/2018	<u>26</u>	STATUS REPORT by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY. (Sroka, Scott) (Entered: 10/05/2018)
10/10/2018		MINUTE ORDER: Upon consideration of Plaintiff's status report <u>25</u> , it is hereby ORDERED that the parties shall appear for a status conference on October 29, 2018, at 10:15 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 10/10/2018. (lcrdm3,) (Entered: 10/10/2018)
10/10/2018		Set/Reset Hearings: Status Conference set for 10/29/2018, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 10/10/2018)
10/24/2018	<u>27</u>	Supplemental STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 10/24/2018)
10/29/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 10/29/2018. On or before 11/5/2018, CBP shall provide Plaintiff with search taskers; The parties shall meet and confer, on or before 11/5/2018, about DHS providing Plaintiff with an informal redaction summary: On or before 11/12/2018, CBP shall provide Plaintiff with the number of items found in the second search; Joint Status Report due by 11/16/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 10/29/2018)
11/16/2018	<u>28</u>	STATUS REPORT by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY. (Sroka, Scott) (Entered: 11/16/2018)
11/16/2018	<u>29</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 11/16/2018)
11/25/2018		MINUTE ORDER: Upon consideration of the parties' status reports <u>28</u> , <u>29</u> , it is hereby ORDERED that the parties shall meet and confer on the issues identified in Plaintiff's status report <u>29</u> . It is further ORDERED that the parties shall file a joint status report informing the Court of the outcome of these discussions on or before December 14, 2018. Signed by Judge Randolph D. Moss on 11/25/2018. (lcrdm3,) (Entered: 11/25/2018)
11/26/2018		Set/Reset Deadlines: Joint Status Report due by 12/14/2018. (kt) (Entered: 11/26/2018)
12/14/2018	<u>30</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 12/14/2018)
12/16/2018		MINUTE ORDER: Upon consideration of the parties joint status report <u>30</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before January 31, 2019. Signed by Judge Randolph D. Moss on 12/16/2018. (lcrdm3,) (Entered: 12/16/2018)
12/17/2018		Set/Reset Deadlines: Joint Status Report due by 1/31/2019. (kt) (Entered: 12/17/2018)
01/31/2019	<u>31</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Iraola, David) (Entered: 01/31/2019)
02/03/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>31</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before February 15, 2019. Signed by Judge Randolph D. Moss on 2/3/2019. (lcrdm3,) (Entered: 02/03/2019)
02/04/2019		Set/Reset Deadlines: Joint Status Report due by 2/15/2019. (kt) (Entered: 02/04/2019)
02/15/2019	<u>32</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Iraola, David) (Entered: 02/15/2019)
02/18/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>32</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before March 15, 2019. Signed by Judge Randolph D. Moss on 2/18/2019. (lcrdm3,) (Entered: 02/18/2019)

02/19/2019		Set/Reset Deadlines: Joint Status Report due by 3/15/2019. (kt) (Entered: 02/19/2019)
03/15/2019	<u>33</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Iraola, David) (Entered: 03/15/2019)
03/20/2019		MINUTE ORDER: In light of the parties' joint status report, it is hereby ORDERED that the parties shall appear for a status conference on April 8, 2019 at 10:00 a.m. in Courtroom 21. It is further ORDERED that Defendant DHS shall submit a declaration explaining tis reasons for failing to comply with the agreed-upon production schedule on or before April 1, 2019. Signed by Judge Randolph D. Moss on 3/20/2019. (lcrdm3,) (Entered: 03/20/2019)
03/20/2019		Set/Reset Deadlines/Hearings: Defendant DHS shall submit a declaration explaining it's reasons for failing to comply with the agreed-upon production schedule by 4/1/2019. Status Conference set for 4/8/2019 at 10:00 AM in Courtroom 21 before Judge Randolph D. Moss. (dot) (Entered: 03/20/2019)
04/01/2019	<u>34</u>	NOTICE of Filing Declaration by DEPARTMENT OF HOMELAND SECURITY re Order, (Attachments: # <u>1</u> Declaration of James V.M.I. Holzer)(Sroka, Scott) (Entered: 04/01/2019)
04/03/2019	<u>35</u>	Joint MOTION to Continue by PROTECT DEMOCRACY PROJECT, INC. (Iraola, David) (Entered: 04/03/2019)
04/03/2019		NOTICE OF ERROR re <u>35</u> Motion to Continue; emailed to DIraola@cov.com, cc'd 7 associated attorneys -- The PDF file you docketed contained errors: 1. Do Not Refile. FYI, Signature on document must match to whomever is electronically filing. (ztd,) (Entered: 04/03/2019)
04/04/2019		MINUTE ORDER: Upon consideration of the joint motion to continue <u>35</u> , it is hereby ORDERED that the motion is GRANTED. The status conference scheduled for April 8, 2019, is hereby VACATED. It is further ORDERED that the parties shall submit a further joint status report on or before May 6, 2019. Signed by Judge Randolph D. Moss on 4/4/2019. (lcrdm3,) (Entered: 04/04/2019)
04/04/2019		Set/Reset Deadlines: Join Status Report due by 5/6/2019. (kt) (Entered: 04/04/2019)